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EXAMINER

STEVENS, THOMAS H

ART UNIT

PAPER NUMBER

2123

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/938,966

Applicant(s)

AUPPERLE ET AL.

Examiner

Thomas H. Stevens

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-15, 17-25, 27-32, 35, 36 and 38-42 is/are rejected.
- 7) ☒ Claim(s) 6, 16, 26, 33, 34 and 37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-42 have been examined.

#### ***Section I: Final Rejection***

#### ***Claim Rejections - 35 USC § 103***

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-5,7-15, 17-20,40, and 41 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Brutzman et al., "Internetwork Infrastructure Requirements for Virtual Environments" (hereafter Brutzman), in view of Camut et al. (US Patent 6,684,257) (hereafter Camut) and in further view of Kumar et al. (US Patent 7,000,102; hereafter Kumar).

Brutzaman teaches a method of identifying websites to be tested (Brutzman: pg. 95, right column, 3<sup>rd</sup> paragraph) in the presences of a functional characteristic (Brutzman: pg. 95, right column 3<sup>rd</sup> paragraph); but fails to teach a method to identifying web sites as well as functional characteristics on a plurality of web servers.

Camut teaches a method of identifying web sites (Camut: column 5, lines 47-49; abstract: line 2) using computer code (Camut: column 12, lines 45-48), while Kumar teaches a method for supporting hibernation operations (abstract) with functional characteristics on a plurality of servers (column 1, lines 15-22).

Brutzman, Camut and Kumar are analogous art because they all teach Internet events.

Therefore at the time of invention, it would have been obvious to one having ordinary skill in the art at the time of invention was made to utilize the program product web testing of Camut and the hibernation function of Kumar in the functional characteristic of Brutzman because Camut teaches an efficient, cost effective, way of

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more thoroughly testing web content tailoring for multiple pervasive computing devices without requiring the actual pervasive computing devices (Camut: column 8, lines 32-36). Kumar teaches a method to enhance availability during a power loss condition...to allow that server to save its operation states before power-down (Kumar: column 1, lines 26-30).

Claim 1. A computer implemented method of identifying web sites comprising: (Camut: column 5, lines 47-49; abstract: line 2); identifying at least one functional characteristic of a web site to be tested (Brutzman: pg. 95, right column, 3<sup>rd</sup> paragraph); the at least one functional characteristic corresponding at least one function that may be performed by the web site or supported by the web site (Kumar: column 1, lines 15-22); retrieving content for a web site (Brutzman: pg. 97, "World Wide Web" paragraph, lines 19-20); testing the content of a web site (Camut: abstract) for the presence of the at least one functional characteristic (Brutzman: pg. 95, right column 3<sup>rd</sup> paragraph); and storing (Camut: column 5, lines 36-37) results of the testing of the content of the web site (Camut: column 3, lines 43-45).

Claim 2. The computer implemented method of claim 1, wherein the at least one functional characteristic identifies a functional characteristic (Brutzman: pg. 95, right column, 3<sup>rd</sup> paragraph) of web sites that requires a function to be enabled by a client device (accessing the web site via turning on the computer) in order to output the web site content (results of a search report from Google or Yahoo) on the client device.

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Claim 3. The computer implemented method of claim 1 further comprising: disabling, in a web browser, the at least one functional characteristic (Brutzman: pg. 95, right column, 3<sup>rd</sup> paragraph) prior to retrieving the content for the web site (results of a search report from Google or Yahoo).

Claim 4. The computer implemented method of claim 3, wherein testing the content of the web site for the presence of the at least one functional characteristic (Brutzman: pg. 95, right column, 3<sup>rd</sup> paragraph) comprises determining if a portion of the content is not output (search query produces little or no results) by the web browser due to the at least one functional characteristic in the web browser being disabled.

Claim 5. The computer implemented method of claim 1, wherein storing the results of the testing comprises generating an entry in a web site (search query for example Google, Yahoo etc.) functional characteristics (Brutzman: pg. 95, right column, 3<sup>rd</sup> paragraph) database on the results of the testing.

Claim 7. A computer implemented method of claim 1, wherein retrieving content for the web site comprises generating a list of web sites to be tested (inherent; a list is created if a plurality of sites are listed), and selected a next web site in a list of web sites to be tested.

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Claim 8. A computer implemented method of claim 7, wherein identifying at least one functional characteristic to be tested comprises generating a list (inherent; a list is created if a plurality of sites are listed) of functional characteristic in the list of functional characteristics (Brutzman: pg. 97, "World Wide Web" paragraph, lines 19-20) to be tested.

Claim 9. A computer implemented method of claim 8, wherein testing the content of the web site for the presence of the at least one functional characteristic comprises for each web site in the list of web site (inherent; a list is created if a plurality of sites are listed), testing each functional characteristic (Brutzman: pg. 97, "World Wide Web" paragraph, lines 19-20) in the list of functional characteristics.

Claim 10. The computer implemented method of claim 5, further comprising: receiving a search request (same event as a Internet search) including a designation of one of more web site functional characteristics; searching the web site functional characteristics database (Brutzman: pg. 97, "World Wide Web" paragraph, lines 19-20) based on the search request; and returning results of searching the web site functional characteristics database to thereby zero or more web sites having or not having the designated one (the result of no hits: inherent to the genre of web surfing) or more web site functional characteristics.

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Claim 11. A computer program product, comprising: a computer usable medium having computer usable program code for identifying web sites, said computer program product including: computer usable program code (Camut: column 12, lines 45-48) for identifying at least one functional characteristic (Brutzman: pg. 95, right column 3<sup>rd</sup> paragraph) of a web site to be tested, the at least one functional characteristic corresponding at least one function that may be performed by the web site or supported by the web site (Kumar: column 1, lines 15-22); computer usable program code for retrieving content for a web site (Brutzman: pg. 97, "World Wide Web" paragraph, lines 19-20); computer user program code for retrieving content for the web site; computer usable program code for testing the content (Camut: column 3, lines 43-45) of the web site for the presence of the at least one functional characteristic (Brutzman: pg. 95, right column 3<sup>rd</sup> paragraph); and computer usable program code (Camut: column 12, lines 45-48) for storing (Camut: column 5, lines 36-37) the results of the testing of the content of the web site (Camut: column 3, lines 43-45).

Claim 12. The computer program product of claim 11, wherein the at least one functional characteristic (Brutzman: pg. 95, right column 3<sup>rd</sup> paragraph) identifies a functional characteristic of web sites that requires a function to be enabled a client (client access the web via computer) device in order to output the web site content on the client device (results of a search report from Google or Yahoo).



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Claim 13. The computer program product of claim 11 further comprising: computer usable program code for disabling (turn the power off of the computer or work off-line) , in a web browser, at least one functional characteristic(Brutzman: pg. 95, right column, 3<sup>rd</sup> paragraph) prior to retrieving the content for the web site (results of a search report from Google or Yahoo).

Claim 14. The compute program product of claim 13, wherein the computer usable program code for testing the content of the web site for the presence of the at least one functional characteristic (Brutzman: pg. 95, right column, 3<sup>rd</sup> paragraph) comprises computer usable program code for determining if a portion of the content is not output by (search query produces little or no results) the web browser due to the at least one functional characteristic of the web site being disabled (working off-line).

Claim 15. The computer program product of claim 11, wherein the computer usable program code (Camut: column 12, lines 45-48) for storing the results of the testing comprises computer usable program code for generating an entry in a web site (search query for example Google, Yahoo etc.) functional characteristics database tics (Brutzman: pg. 95, right column, 3<sup>rd</sup> paragraph) based on the results of the testing.

Claim 17. The computer program product of claim 11, wherein the computer usable program code for retrieving content for the web site (Brutzman: pg. 97, "World Wide Web" paragraph, lines 19-20) comprises computer usable program code for generating

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a list of web sites (inherent; a list is created if a plurality of sites are listed) to be tested, and computer usable program code for selecting a next web site in the list of web sites to be tested.

Claim 18. The computer program product of claim 17, wherein the computer usable program code (Camut: column 12, lines 45-48) for identifying at least one functional characteristic to be tested comprises computer usable program code for generating a list of functional characteristics (Brutzman: pg. 95, right column 3<sup>rd</sup> paragraph) to be tested, and computer usable program code for selecting a next functional characteristic (if there's a plurality of characteristics, then there would be a next one: inherent) to be tested.

Claim 19. The computer program product of claim 17, wherein the computer usable program code (Camut: column 12, lines 45-48) for testing the content of the web site for the presence of the at least on functional characteristic (Brutzman: pg. 95, right column 3<sup>rd</sup> paragraph) comprises computer usable program code for testing each functional characteristic in the list of functional characteristics (Brutzman: pg. 95, right column 3<sup>rd</sup> paragraph) for each web site in the list of web sites (Brutzman: pg. 97, "World Wide Web" paragraph, lines 19-20).

Claim 20. The computer program product of claim 15, further comprising: for receiving a search request including a designation of one or more web site functional

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characteristics; for searching the web site functional characteristics (Brutzman: pg. 95, right column, 3rd paragraph) database on the search request (any well known search engine: Google, Yahoo, Ask Jeeves, etc.); and computer usable program code for returning results of searching the web site functional characteristics database to thereby identify zero or more web sites having or not having the designated one (the result of no hits: inherent to the genre of web surfing) or more web site functional characteristics.

Claim 40. The computer program product of claim 11, wherein the computer usable program code (Camut: column 12, lines 45-48) for storing the results of the testing of the content of the web site comprises computer usable program code for storing the results of the testing in a network attached storages unit (servers, well-known with the art).

Claim 41. The computer program product of claim 17, wherein the computer usable program code (Camut: column 12, lines 45-48) for storing the results of the testing of the content of the web site comprises computer usable program code for storing the results of the testing in a network attached storage unit (equivalent to a server: well-known).

5. Claims 31-33 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Brutzman in view of Camut et al. (US Patent 6,684,257) (hereafter Camut). Brutzaman teaches a method of identifying websites to be tested (Brutzman: pg. 95, right column,

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3<sup>rd</sup> paragraph) in the presences of a functional characteristic (Brutzman: pg. 95, right column 3<sup>rd</sup> paragraph); but fails to teach a method to identifying web sites. Camut teaches method relating to identifying web sites (abstract). Camut and Brutzman are analogous art because they both teach Internet protocols.

Therefore at the time of invention, it would have been obvious to one having ordinary skill in the art at the time of invention was made to utilize the functional characteristic of Brutzman in the program product web testing of Camut because Camut teaches an efficient, cost effective, way of more thoroughly testing web content tailoring for multiple pervasive computing devices without requiring the actual pervasive computing devices (Camut: column 8, lines 32-36).

Claim 31. A computer implemented method of identifying web sites, (Camut: abstract) comprising: receiving a search request (same event as a Internet search) including a designation of one or more web site functional characteristics; searching a web site functional characteristics database (Brutzman: pg. 97, "World Wide Web" paragraph, lines 19-20) based on the search request; and returning results of searching the web site functional characteristics database to thereby identify zero or more web sites having or not having the designated one (the result of no hits: inherent to the genre of web surfing) or more web site functional characteristics.

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Claim 32 A computer implemented method of claim 31, wherein the one or more web site functional characteristics identify functions that are enabled on a client device web browser in order to output the web site content on the client device (results of a search report from Google or Yahoo).

Claim 33. A computer implemented method of claim 31, further comprising: changing a fee to an account source of the search request for searching (results of a search report from Google or Yahoo) the web site functional characteristics database (Brutzman: pg. 95, right column 3rd paragraph) on the search request.

6. Claims 21-25, 27-30 and 42 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Brutzman, in view of Pabari et al. (US Patent 6,928,471; hereafter Pabari) in further view of Kumar.

Brutzman teaches a method of identifying websites to be tested (Brutzman: pg. 95, right column, 3<sup>rd</sup> paragraph) in the presences of a functional characteristic (Brutzman: pg. 95, right column, 3rd paragraph); but fails to teach a database interface and an analysis engine with the functional characteristics linked to a plurality of servers.

Pabari teaches a method of optimum content of content web delivery (abstract) with database interface ("a database via an interface" Pabari: column 14, lines 31-34)

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while Kumar teaches a method for supporting hibernation operations (abstract) with functional characteristics on a plurality of servers (column 1, lines 15-22).

Brutzman, Pabari and Kumar are analogous art because they all teach Internet-based events.

Therefore at the time of invention, it would have been obvious to one having ordinary skill in the art at the time of invention was made to utilize the network and database interfacing of Pabari and the hibernation function of Kumar in the functional characteristic of Brutzman because Pabari teaches the Infrastructure Performance Management ("IPM") market, which consists of products that help information technology operators manage the infrastructure of their network based applications, products, and services. Additionally, these products help customers to gauge the performance of the network and assist in troubleshooting when problems arise. The IPM market products typically address the main aspects of the e-Business infrastructure, such as the networks (LAN and WAN), network devices (switches, routers, firewalls, & bridges), servers, applications, and databases. These products also address the main parameters of Service Level Management ("SLM"), which are availability, performance, accuracy, and security (Pabari: column 1, lines 49-62). Kumar teaches a method to enhance availability during a power loss condition... to allow that server to save its operation states before power-down (Kumar: column 1, lines 26-30).

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Claim 21. An apparatus for identifying web sites, comprising: a network interface (Pabari: column 25, line 49); database interface ("a database via an interface" Pabari: column 14, lines 31-34); and a web site content analysis engine (Pabari: column 1, line 64) coupled to the network interface and the database interface, wherein the web site content analysis engine identifies at least one functional characteristic (Brutzman: pg. 95, right column, 3rd paragraph) of a web site to be tested, the at least one functional characteristic corresponding at least one function that may be performed by the web site or supported by the web site (Kumar: column 1, lines 15-22), retrieves content for the web site (Brutzman: pg. 97, "World Wide Web" paragraph, lines 19-20) via the network interface, tests the content of the web site for the presence of the at least one functional characteristic, and stores the results of the testing of the content of the web site via the database interface ("a database via an interface" Pabari: column 14, lines 31-34).

Claim 22. The apparatus of claim 21, wherein the at least one functional characteristic identifies a functional characteristic of web sites that require a function to enable by a client device in order to output the web site content on the client device (client sever equivalent a client device; Brutzman: pg. 97, left column, 2nd paragraph, lines 19-20).

Claim 23. The apparatus of claim 21, wherein the web site content analysis engines disables ("offline" well-known), in a browser, at least one functional characteristic

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(Brutzman: pg. 95, right column, 3rd paragraph) prior to retrieving the content for the web site (any well known search engine: Google, Yahoo, Ask Jeeves, etc.).

Claim 24. The apparatus of claim 23, wherein the web site content analysis engine test the content of the web site for the presence of the at least one functional characteristic (Brutzman: pg. 95, right column, 3rd paragraph) by determining if a portion of the content is not output by the web browser due to the at least one functional characteristic of the web browser being disabled (work off-line or cut power).

Claim 25. The apparatus of claim 21, wherein the web site content analysis engine stores the results the testing by generating an entry (inherent: initiating a search by way of the search entry box located in every search engine) in a web site functional characteristics (Brutzman: pg. 95, right column, 3rd paragraph) database based on the results of the testing".

Claim 27. The apparatus of claim 21, wherein the web site content analysis engine retrieves content for the web site by generating a list of web sites (inherent; a list is created if a plurality of sites are listed) to be tested, and selecting a next web sites in the list of web sites to be tested (inherent evaluation of a list of data).

Claim 28. The apparatus of claim 21, wherein the web site content analysis engine identifies at least one functional characteristic (Brutzman: pg. 95, right column 3<sup>rd</sup>



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paragraph) to be tested by generating a list of functional characteristics (Brutzman: pg. 95, right column 3<sup>rd</sup> paragraph) to be tested, and selecting a next functional characteristic in the list of functional characteristics to be tested (inherent evaluation of a list of data).

Claim 29. The apparatus of claim 21, wherein the web site content analysis engine tests the content of the web site for the presence of the at least one functional characteristic by, for each web site in the list of web site, testing each functional characteristic in the list of functional characteristics (Brutzman: pg. 95, right column 3<sup>rd</sup> paragraph) .

Claim 30. The apparatus of claim 25, further comprising: a search engine coupled to a search results interface generation device, (any well known search engine: Google, Yahoo, Ask Jeeves, etc.) wherein the search engine receives a search request including a designation of one or more web site functional characteristics, (Brutzman: pg. 95, right column, 3<sup>rd</sup> paragraph) search the web site functional characteristics database based on the search request, (any well known search engine: Google, Yahoo, Ask Jeeves, etc.) and returns of searching the web site functional characteristic database to thereby identify zero or more web sites having or not having the designated one or more web site functional characteristics (the result of no hits: inherent to the genre of web surfing).

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Claim 42. The apparatus of claim 21, wherein the web site content analysis engine stores the results of the testing of the web site in a database stored (" a database via an interface" Pabari: column 14, lines 31-34) on a network attached storage unit (server)

7. Claims 35, 36,38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brutzman "Internetwork Infrastructure Requirements for Virtual Environments" in view of Welter et al., (U.S. Patent 6,631,408 (2003)) (hereafter Welter) and in further view of Kumar.

Brutzaman teaches a method of identifying websites to be tested (Brutzman: pg. 95, right column, 3<sup>rd</sup> paragraph) in the presences of a functional characteristic (Brutzman: pg. 95, right column 3rd paragraph); but fails to teach a method to identify web sites in a web site identifier field and functional characteristics linked with a plurality of servers.

Welter teaches a method in identifying web sites in a web site identifier field (Welter: column 7, lines 9-18 with figure 5) while Kumar teaches a method for supporting hibernation operations (abstract) with functional characteristics on a plurality of servers (column 1, lines 15-22).

Brutzaman, Welter and Kumar are analogous art since they all teach Internet-based events.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to utilize the testing web sites of Welter and the hibernation function of Kumar in the functional characteristics of Brutzman because

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Welter teaches an advantage of the present invention is that a web site can be thoroughly tested in a variety of interactive modes. Also, the present invention allows for the testing of changeable or "dynamic" features of the web site. In consequence, the present invention facilitates the thorough testing of web sites for errors and generates reports, which aids in the correction of the detected errors. Other advantages include the capability of immediately providing a notification of any problems, and the reporting of performance and service levels (Welter: column 3, lines 11-20). Kumar teaches a method to enhance availability during a power loss condition...to allow that server to save its operation states before power-down (Kumar: column 1, lines 26-30).

Claim 35. A data structure having entries corresponding to web sites for use by a computing device to identify web sites (Welter: column 3, lines 1-25) based on functional characteristics, each entry comprising: web site identifier field for identifying one or more a web site (Welter: column 6, lines 59-65); and one or more functional characteristic (Brutzman: pg. 95, right column, 3rd paragraph) fields for identifying on or more functional characteristics of the web site corresponding to one or more functions that may be performed by the web site or supported by the web site (Kumar: column 1, lines 15-22) and identified in the web site identifier field (Welter: column 7, lines 9-18 with figure 5).

Claim 36. The data structure of claim 35, wherein the functional characteristics (Brutzman: pg. 95, right column, 3rd paragraph) identify functions that are enabled on a

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client device (Welter: column 1, lines 40-51 with figure 1) web browser in order to output the web site content on the client device.

Claim 38. The data structure of claim 35, wherein the data structure (data within a database is structured; Welter: column 8, lines 10-11) is stored on a computer usable medium (Welter: column 10, lines 18-19 "most computers are usable).

Claim 39. The data structure claim 38, wherein the computer (Welter: column 10, lines 18-19 "most computers are usable) usable medium is part of a network (Welter: column 1, lines 13-15) attached storage unit (equivalence between storage unit and database; Welter: column 3, line 8).

***Allowable Subject Matter***

8. Claims 6, 16, 26, 33, 34 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is an examiner's statement of reasons for allowance:

While Brutzman "Internetwork Infrastructure Requirements for Virtual Environments" (claims 1, 11, 21, 31 and 35) teaches functional characteristics; US Patent 7,000,102 (claims 1, 11, 21 and 36) teaches corresponding to one or more functional characteristics that may be performed by a web site or supported by a web site; US Patent 6,684,257 (claim 1) teaches a computer implemented method of

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identifying web sites comprising: testing the content of the web site and storing results of the testing of the content of the web site; (claim 11) a computer program product, comprising: computer usable program code computer usable program code for testing the content of the web site for the presence of the at least one and computer usable program code for storing the results of the testing of the content of the web site; US Patent 6,928,471 (claim 21) teaches an apparatus for identifying web sites, comprising: a network interface database interface; and a web site content analysis engine coupled to the network interface and the database interface, wherein the web site content analysis engine identifies at least one via the network interface, tests the content of the web site for the presence of the at least one functional characteristic, and stores the results of the testing of the content of the web site via the database interface; US Patent 6,594,692 (claim 31) teaches method of identifying web sites, comprising: receiving a search request including a designation of one or more web site; searching a web site functional characteristics database based on the search request; and returning results of searching the web site database to thereby, none of these references, taken either alone or in combination, with the prior art of record disclose

(claims 6, 16, 26, 34 and 37) "displaying digital movies"

(claim 33) "charging a fee to an account of source of the search request"

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in combination with the remaining elements and features of the claimed invention. It is for these reasons that the applicants' invention defines over the prior art of record.

***Section II: Response to Applicants' Arguments***

10. Applicants are thanked for addressing these issues. The Office was mistaken with regard to the ambiguity of claim 33; claim 33 presently stands objected. In response to the amended claims, the Office has cited new prior art in view of Kumar et al. US Patent 7,000,102 .

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Correspondence Information***

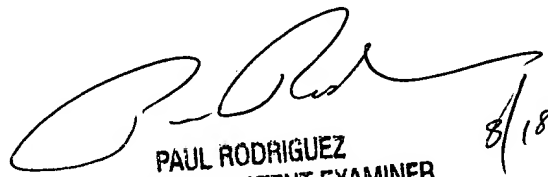
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Tom Stevens whose telephone number is 571-272-3715, Monday-Friday (8:00 am- 4:30 pm EST).

If attempts to reach the examiner by telephone are unsuccessful, please contact examiner's supervisor Mr. Paul Rodriguez 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Answers to questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) (toll-free (866-217-9197)).

August 11, 2006

TS

  
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8/18/06